



Appeal Decision

Site Visit made on 28 September 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal Ref: APP/C1435/W/21/3268506

Holly Court, Beacon Road, Crowborough TN6 1BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Easter on behalf of Traditional Homes (Sussex) against the decision of Wealden District Council.
 - The application Ref WD/2020/0643/F, dated 18 March 2020, was refused by notice dated 10 November 2020.
 - The development proposed is "Erection of two storey extension to provide 2no. flats".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; (ii) the living conditions of the occupants of neighbouring flats, with specific regard to outlook; and (iii) the Ashdown Forest Special Protection Area and Special Area of Conservation (SPA/SAC).

Reasons

Character and Appearance

3. The appeal site is occupied by a two-storey flatted development with lawned areas to the front and rear and parking spaces and refuse store along its side, skirted by planting. The site is located within the Crowborough Warren policy area which is mainly residential and suburban in appearance, characterised by two storey buildings of various sizes within large plots, set amongst mature trees and thick vegetation, which create a feeling of spaciousness. Trees and boundary planting are therefore defining features of the locality.
4. The proposed development would necessitate the rearrangement of the refuse storage area and part of the driveway and parking area serving the flats at Holly Court, which would involve the loss of planting along the northern boundary of the appeal site. This would include the removal of part of a grouping of Silver Birch and 5 of the 7 other trees located along that boundary (T6, T7, T8, T11, T12 and G1 referred to within the appellant's Arboricultural Appraisal Report (AAR)¹). Although these are classed as Grade C trees within the AAR, with the exception of T6 (Grade B), they all make an important contribution to the leafy character of the appeal site and surrounding area.

¹ The Ash Partnership, November 2020

5. The proposed extension would follow the existing style of the building, albeit with a pyramidal roof projecting above the ridgeline. This would make Holly Court appear slightly more dominant in the street scene as a whole, increasing the density of built form within the appeal site, but not to a great degree. The design of the proposed extension, when viewed from outside the appeal site to the east, would blend well with the existing form of Holly Court in terms of its materials, scale, design and composition. The proposed extension would be highly visible in the street scene on account of its positioning directly behind the access from Beacon Road. It would partially close what is currently a large open driveway, parking and landscaped area between Holly Court and the northern boundary.
6. The proposed extension would be accompanied by a large expanse of hardstanding along most of the northern boundary due to the driveway and parking spaces being reconfigured to accommodate the proposed extension. The loss of planting and its replacement with more densely arranged parking and refuse storage areas up to the boundary would erode the leafy spaciousness and informality of the existing open driveway and parking area skirted by landscaping, which would be clearly seen in views from Beacon Road. The proposed extension, driveway and parking area would appear uncharacteristically cramped as a result.
7. Planting would be retained along the eastern boundary and outside of the appeal site directly beyond the northern boundary, and a new hedge would be planted in front of the proposed extension. These measures would be insufficient to mitigate the harm that would be caused to the character and appearance of the appeal site and the wider area by the proposed extent of formalised hardstanding and loss of planting along the northern boundary in this specific location. The examples of buildings accompanied by large open parking areas in the locality tend to relate to commercial uses and are rare exceptions to the overriding spacious residential character of the Crowborough Warren policy area. In this context, the examples of the golf club, public house and four storey blocks of flats referred to by the appellant do not convince me the proposed development would not harm its established distinctive character.
8. The proposed development would therefore harm the character and appearance of the area, contrary to Policies EN27 and CR2 of the Council's Local Plan² and Policy SPO13 of the Council's Core Strategy³. These policies require, amongst other things, new development to incorporate landscaping which respects the spacious character of the area, encouraging attractive living environments and promoting local distinctiveness.
9. I note a previous Inspector's findings⁴ that Holly Court is not consistent with the criteria set out in Policy CR2 with regard to it not being a large dwelling set within a generously sized plot, and in that instance the Inspector found a two-storey extension at the southern end of the appeal site would not adversely affect the spaciousness of the area. However, notwithstanding the appeal site's inconsistency with some criteria of Policy CR2, I have reached a different conclusion in respect of the proposed extension at the northern end of the appeal site due to the extent of planning proposed to be removed and replaced with hardstanding.

² Wealden District Council Local Plan (1998)

³ Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (2013)

⁴ APP/C1435/A/09/2099878

Living Conditions

10. The proposed extension would protrude beyond existing windows to the south which serve ground and first floor flats. The front elevation windows to those flats currently enjoy a wide outlook which would not be harmed by the proposed extension. The outlook currently afforded to the rear facing windows is more constrained due to the presence of the western block of Holly Court and another rear projection further to the south.
11. The appellant has submitted annotated plans⁵ which show 45° sight lines from the centre of each of the ground and first floor windows that would be closest to the proposed extension, confirming it would not project beyond those lines. However, the existing constrained arrangement of Holly Court in respect of the two nearest windows to the south is such that the proposed extension would further reduce the existing restricted outlook from those windows. Although those windows currently afford enclosed views of the western block of Holly Court and part of the parking area, the relative openness of the parking area to the north provides valuable outlook to those residents at present. The proposed extension would reduce that outlook slightly, but even that slight reduction would have a significant unacceptable impact upon the living conditions of the occupants of those flats.
12. The appellant accepts that the proposed extension would breach 45° sight lines from the centre of the nearest ground and first floor windows within the western block, which also serve two separate flats. The rear elevation of the proposed extension would be blank, save for the shared entrance door to the two proposed flats. At such a short distance from the nearest ground and first floor windows within the western block the proposed rear elevation would appear as an imposing feature in views from those windows, reducing the outlook of their occupants to an unacceptable degree.
13. I note the appellant's comments in respect of the distance of the proposed extension from neighbouring windows, the rooms the affected windows serve, the frequency that those windows may have curtains or blinds closed due to them facing onto a communal area, and the existence of other windows to those flats which would be unaffected by the proposal. These arguments do not convince me that the harm caused to the living conditions of the occupants of those four flats would be acceptable.
14. The proposed extension would therefore reduce the outlook of the occupants of four neighbouring flats, having an unacceptable harmful effect on the living conditions of their occupants. This would also be contrary to Policies EN27 and SPO13 as referred to above, other elements of which seek to prevent development which would create unacceptable adverse impacts on the amenities of neighbours, and seek to encourage high-quality developments which create places where people will want to live.

The SPA/SAC

15. The appeal site lies within 7km of the SPA/SAC. A unilateral undertaking has been submitted by the appellant relating to the payment of financial contributions in accordance with the Council's Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Green

⁵ Drawing number: 9807/45SL dated January 2021

Space (SANGS) arrangements. These seek to address the delivery of a strategic access management and monitoring programme in the SPA/SAC and alternative recreational space. The Council has advised that this would ensure the proposal would not adversely affect the integrity of the SPA/SAC.

16. I would need to undertake an Appropriate Assessment in accordance with the Habitats Regulations⁶ if I was minded to grant planning permission. However, as I have found the proposal would result in harm contrary to the development plan in respect of the other Main Issues, there is no need for me to consider this matter further, unless if any other considerations indicate planning permission should be granted.

Other Matters

17. The Council is unable to demonstrate the supply of housing sites required by the Framework⁷. In cases such as this the most important development plan policies are deemed to be out of date and Paragraph 11(d)(ii) of the Framework states that planning permission should be granted for applications involving the provision of housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. I have found harm relating to the effect of the proposal on the character and appearance of the area and the living conditions of neighbouring residents. The level of harm that would be caused to the character and appearance of the area would be modest, as would the level of harm that would be caused to the living conditions of occupants of the nearest neighbouring flats within the western block of Holly Court. The level of harm that would be caused to the living conditions of the occupants of the two flats immediately to the south of the proposed extension would be significant.
19. The proposal would create two one-bedroom flats which would be located in an area where there is a high proportion of large dwellings, within walking distance of Crowborough town centre and bus stops located on Beacon Road. It would also attract a community benefit in the form of the New Homes Bonus.
20. Paragraph 69 of the Framework advises support should be given to the development of windfall sites and great weight should be given to the benefits of using suitable sites within existing settlements for homes. Paragraphs 120 and 124 support the efficient development of under-utilised land to meet housing needs, with Paragraph 124 referring to the need to take the desirability of maintaining an area's prevailing character and the importance of securing well-designed places into account. Paragraph 130 advises that planning decisions should ensure developments will function well and add to the overall quality of the area over the lifetime of the development, being sympathetic to local character and creating places with a high standard of amenity for existing users, amongst other things.
21. All harm I have identified that would be caused by the proposed development would be long lasting, and I therefore ascribe substantial weight to that which would be caused to the living conditions of the occupants of the two flats directly to the south of the proposed extension, and moderate weight to the

⁶ The Conservation of Habitats and Species Regulations 2017 (as amended)

⁷ The National Planning Policy Framework (2021)

other, more modest harms. The benefits I have identified would be modest and I therefore ascribe moderate weight to them.

22. The appeal site is not a suitable site for the proposal and the adverse impacts of approving the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. The proposal would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

23. For the reasons given above I conclude that the proposal would fail to accord with the development plan and there are no material considerations, including the Framework, that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed.

L Douglas

INSPECTOR